

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

----- IN RE YASMIN AND YAZ (DROSPIRENONE) MARKETING, SALES PRACTICES AND RELEVANT PRODUCTS LIABILITY LITIGATION -----	X : : : : :	3:09-md-02100-DRH-PMF MDL No. 2100 Judge David R. Herndon
This Document Relates to:		ORDER DISMISSING WITHOUT PREJUDICE
 <i>Walker v. Bayer Corp., et al.</i> , No. 3:10-cv- 11174-DRH-PMF		

ORDER

HERNDON, Chief Judge:

This matter is before the Court on defendant Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") motion to dismiss the above captioned action without prejudice. To date, plaintiff has not responded to Bayer's motion.

On February 22, 2011, the Court granted a motion to withdraw filed by plaintiff's counsel (Doc. 7) The Order provided that, "[i]f Plaintiff or her new counsel fails to file a supplementary appearance within 21 days of the entry of this Order, Plaintiff's action will be subject to dismissal without prejudice for failure to comply with this Order and with her Plaintiff Fact Sheet requirements." (Doc. 7 at 2). To date, and in violation of the Order **and Local Rule 83.1(g)**, plaintiff has not filed a supplementary appearance.

Plaintiff must comply with the Local Rules and this Court's orders.

Fed.R. Civ. P. 41(b). In addition, plaintiff's failure to file an appearance has prejudiced Bayer. Bayer has answered plaintiff's complaint on November 23, 2010 (Doc. 4), meaning that this plaintiff should have PFS obligations. To date, and in violation of Case Management Order 12, plaintiff has not served a PFS.

Accordingly, for the reasons stated herein, plaintiff's action is hereby dismissed without prejudice.

SO ORDERED.

 Digitally signed by
David R. Herndon
Date: 2011.04.18
12:10:27 -05'00'

**Chief Judge
United States District Court**

Date: April 18, 2011